

TAC's Combat Attorney: Daniel McConnell

by Andrew Stamer

On July 20, a TAC attorney was rewarded for special contributions to the Corps of Engineers' legal services mission.

During the USACE Division Counsels' Conference in Chicago, Daniel McConnell was announced as an E. Manning Seltzer Award recipient for his contributions to the Afghanistan Engineer District in 2005.

The E. Manning Seltzer award is bestowed by the USACE Chief Counsel to recognize Corps attorneys who have made one or more special contributions to the Corps' legal services system. McConnell was nominated for the award by Nancy Williams, counsel.

A recipients' contributions for this award must meet at least one of the following criteria: they must result from the development of a legal theory or application in any field of law, from legal management innovation or practice, or from outstanding performance in solving a legal or management problem.

McConnell's contributions were related to the development of legal management innovation or practice. When he arrived in Afghanistan, he set up preventative law measures and assisted in putting AED contracting policies in place.

"Dan's on-the-ground legal support to AED came at a time when the district most needed it - at fiscal year-end last year - and continued for several months thereafter as he worked with the district to establish internal acquisition and preventive law policy that continues to guide the District as their mission unfolds," said Williams.

Before this, AED didn't have an attorney in country. Instead, they relied on reachback support provided by TAC's Office of Counsel, said McConnell. But as the district began performing more contracting actions, he noticed a high volume of contracts coming in for expedited review. The time difference between Afghanistan and Winchester made the need for an attorney to be available to perform immediate, timely legal reviews even greater.

With the end of the year coming, McConnell knew the volume would only increase. The best approach for a smooth year-end would be to do something the district had never done before - have an attorney in country.

"They said they would like assistance and asked if I'd like to come. My immediate objectives as I saw them were to assist at fiscal year end, and to set in place a permanent preventative law culture at the district," said McConnell, and in August 2005 he was on his way to doing legal reviews for the overburdened contracting officers.

McConnell was instrumental in providing legal review and assisting in accomplishing a complex fiscal year closeout in a combat zone, including over 300 contract actions totaling more than \$175 million, his award notification reads.

He responded to over 150 formal requests for legal review, many involving highly complex issues in the areas of interagency and international support, as well as fiscal and contract law. He served as the lynchpin for AED's intense and extremely highly productive efforts to establish and document best practices for every aspect of the district's acquisition processes. He also helped set up an Office of Counsel Web site with accurate and relevant reference materials to help with the district's future work.

"AED saw that an attorney is value-added in a combat zone because we are trained to spot legal issues that others involved in the planning process may not see, and can save valuable time that might otherwise be spent pursuing a flawed or legally unsound course of action. A good attorney approaches his job as a problem solver, and good project managers and contracting

officers involve counsel early on in the process,” he said. And now the district has added a permanent attorney on the ground.

“After my first two months were up, the district decided they needed an attorney on the ground permanently,” said McConnell. He was asked to stay until March 2006, an additional four months, which he agreed to, but as a Soldier this time.

As a Civilian-Soldier with the Army Reserves, McConnell serves as a captain with the Judge Advocate General’s Corps. Given what he had seen in his first two months in Afghanistan as a civilian, he knew it would be beneficial to the district for him to go on active duty from his reserve unit, the 75th Legal Support Organization, Moffett Field, Calif.

“It’s good to have that dual status, as a Soldier and a lawyer in a combat zone, because it allows freedom of movement for one thing,” McConnell said. For Civilians to leave a base, they need an armed escort to go with them.

“It enabled me to be more useful to the district because I could go out to sites as my own armed escort, and also provide security to the USACE civilians I was working with,” he said. “I could also see much more going on at project sites outside of the wire. Although it was a bit of a pay cut for me to be activated as a captain, it saved the district having to pay my salary as a civilian attorney, since big Army was paying my salary as a soldier. As a soldier they can work you 24 hours a day 7 days a week in whatever capacity they need you for however long they need you to do it – all at your fixed soldier’s salary.”

“Dan is the epitome of selfless service and his dedication to mission is second to none,” Williams said.

The award is named for E. Manning Seltzer, who served with prominence as the chief legal advisor to the chief of engineers and as general counsel of the Corps from 1956 until his retirement in 1977.



Daniel McConnell, attorney and captain in the Army Reserves, stands in front of Pol-e-Charkhi prison during his deployment to Afghanistan.

